IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No. 3364 of 2005

Shridhar R Rokade . petitioner

vs

The Tahasildar & Executive Magistrate
Baramati,Dist Pune and ors.. respondents

Mr R.V.More for Milind Deshmukh for petitioner

Mr. R.D.Rane GP for respondents

CORAM;A.P.SHAH & D.Y.CHANDRACHUD JJ.

Dated 2.8.2005

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Heard the learned counsel for the parties. Perused the record including the order of the Scrutiny Committee. It appears that the case of the petitioner was referred by the Principal, ITI Karmala, District Solapur for verification of tribe claim as Mahadeo Koli, Scheduled Tribe. The petitioner submitted six documents in support of his tribe claim. The case of the petitioner was handed to the vigilance cell for home and school inquiry and the inquiry made by the vigilance cell revealed that the caste of the petitioner’s father Ramchandra Rokade was shown in the school register

as Hindu Koli. Koli is a caste which is included in the list of Other Backward Classes and Special Backward Classes of Maharashtra State whereas Mahadeo Koli is a tribe included in the list of Scheduled Tribes at Srl No.9. Koli and Mahadeo Koli are altogether different communities having no socio-cultural and ethnic relations with each other.

The Scrutiny Committee has also verified the tribe claim of the petitioner with reference to traits, characteristics and customs of the community claimed and found that the information furnished by the petitioner is not associated to Mahadeo Koli, Scheduled Tribe. In our opinion, when the Scrutiny Committee has appreciated the facts and circumstances of the case and recorded a finding that the petitioner did not belong to Mahadeo Koli, the said order cannot be said to be illegal or unlawful.

Mr. Mendadkar, learned Counsel for the petitioner sought to rely upon the school leaving certificate of the father of the petitioner dated 3.8.l949 issued by the Modern Night High School,Mumbai. It appears that this certificate was obtained from the Head Master, Modern Night

High School, Mumbai and it pertains to High School level and not primary level where the caste of the petitioner's father clearly mentioned as Hindu Koli. We therefore do not see any ground to interfere with the order of the Scrutiny Committee. Petition is dismissed.